

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

UNITED STATES OF AMERICA,

§

*Plaintiff,*

§

v.

CASE NO. 7:20-CV-290

0.549 ACRES OF LAND, MORE OR  
LESS, SITUATE IN STARR COUNTY,  
STATE OF TEXAS; AND SABINO  
ALVAREZ, JR., *et al.*

§

*Defendants.*

§

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**JOINT STATUS REPORT**

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The parties file this Status Report in response to the District Court's December 9, 2020 Order<sup>1</sup> and inform the Court as follows:

1. On September 24, 2020, Plaintiff filed a Complaint in Condemnation<sup>2</sup> and Declaration of Taking<sup>3</sup> pursuant to 40 U.S.C. §§ 3113 and 3114 for the taking of property to construct, install, operate, and maintain roads, fencing, vehicle barriers, security lighting, cameras, sensors, and related structures designed to help secure the United States/Mexico border within the State of Texas on Defendants' real property located in Starr County, Texas.
2. On that same day, the Court issued an Order for Conference<sup>4</sup> and scheduled an Initial Pretrial and Scheduling Conference for December 15, 2020.

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<sup>1</sup> Dkt. No. 23.

<sup>2</sup> Dkt. No. 1.

<sup>3</sup> Dkt. No. 2.

<sup>4</sup> Dkt. No. 4.

3. On December 4, 2020, the parties filed their Joint Discovery/Case Management Plan<sup>5</sup> informing the Court that the parties were continuing to negotiate and hopeful that a resolution could be reached. Accordingly, the parties requested that rather than issue a scheduling order, the Court set a status conference for 60 days from the date of the initial pretrial conference so that the parties could continue negotiations.
4. On December 9, 2020, the Court issued an Order<sup>6</sup> continuing the initial pretrial conference scheduled for December 15, 2020 to February 16, 2021. The Court ordered the parties to provide a status report prior to the status conference if an agreement was not reached. Although the parties reached an agreement, settlement documents have not yet been submitted to the Court. The parties therefore provide the following update:
  - a. The United States and Defendants continued to work together and negotiate in this case, and were ultimately able to reach a verbal agreement on a sum certain as just compensation on December 16, 2020. The United States subsequently obtained written agreements with all Defendants regarding just compensation and possession on December 29, 2020.
  - b. Also on December 29, 2020, following receipt of the signed agreement, the United States began the necessary steps to deposit additional funds with the Clerk of Court so that settlement documents could be filed and this matter could be closed. The additional funds were not deposited before the presidential proclamation was issued on January 20, 2021, however.
  - c. On January 20, 2021, President Joseph R. Biden, Jr. executed a Presidential Proclamation, terminating the national emergency at the Southern Border Wall and

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<sup>5</sup> Dkt. No. 21.

<sup>6</sup> Dkt. No. 23.

directing “a careful review of all resources appropriated or redirected to construct a southern border wall” through the development of “a plan for the redirection of funds concerning the southern border wall.”<sup>7</sup>

- d. The plan for the redirection of funds concerning the southern border wall is expected to be developed within 60 days from the date of the proclamation.<sup>8</sup>
- e. Construction has yet to commence on the land condemned in this suit nor has construction commenced in this area of the project. Due to the presidential proclamation, status of construction is unknown. Accordingly, the United States does not intend to continue moving forward in this case at this time until the position of the United States is determined.

5. Following submission of this status report, the United States intends to move for an order from the Court continuing the initial pretrial and scheduling conference in this case for at least 60 days.

***Pro se Defendants:***

*/s Sabino Alvarez, Jr. (with permission)*  
SABINO ALVAREZ, JR.

*/s Manuel Alvarez (with permission)*  
MANUEL ALVAREZ

*/s Maria Guadalupe Alvarez (with permission)*  
MARIA GUADALUPE ALVAREZ

***For Plaintiff:***

**RYAN K. PATRICK**  
United States Attorney  
Southern District of Texas

*/s Roland D. Ramos*  
**ROLAND D. RAMOS**  
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Attorney in Charge for the United States of America

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<sup>7</sup> Proclamation No. 10142, 86 Fed. Reg. 7225 (Jan. 20, 2021).

<sup>8</sup> *Id.*

*/s Armandina Alvarez Longoria (with permission)*

**ARMANDINA ALVAREZ LONGORIA**

*/s Marta Alvarez Gaines (with permission)*

**MARTA ALVAREZ GAINES**

*/s Eloisa Alvarez Perez (with permission)*

**ELOISA ALVAREZ PEREZ**

*/s Magda Margo Alvarez (with permission)*

**MAGDA MARGO ALVAREZ**

*/s Graciela Alvarez (with permission)*

**GRACIELA ALVAREZ**

*/s Raul Alvarez, Jr. (with permission)*

**RAUL ALVAREZ, JR.**

*/s Gerardo Alvarez (with permission)*

**GERARDO ALVAREZ**

*/s Maria Alvarez Guerra (with permission)*

**MARIA ALVAREZ GUERRA**

#### **CERTIFICATE OF SERVICE**

I, Roland D. Ramos, Assistant United States Attorney for the Southern District of Texas, hereby certify that on February 4, 2021, a copy of the foregoing was served on all parties in accordance with the Federal Rules of Civil Procedure.

By: *s/ Roland D. Ramos*  
**ROLAND D. RAMOS**  
Assistant United States Attorney